

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY JONES,

Plaintiff,

v.

DETROIT FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

Case No. 05-74619

Honorable Nancy G. Edmunds

ORDER OF DISMISSAL

Plaintiff filed a complaint on December 6, 2005 against the Detroit Federal Bureau of Investigation, alleging the following:

An Enemy Combatant is denied all United States Constitutional Rights, all United States Constitutional Protections and all United States Constitutional Freedoms. The Detroit Federal Bureau of Investigations have used the Enemy Combatant procedure to fraudulently experiment on innocent American civilians, as military lab rat political prisoners. I have biological ailments that can not be either cured or explained by my physician or emergency doctors at hospitals.

(Pl.'s Complt.) On the cover sheet to Plaintiff's complaint, he asserts that he is bringing this cause of action under Michigan's Elliot-Larsen Civil Rights Act, the U.S. Constitution, and Anti-terrorist federal laws and alleges that he is "illegally being labeled an enemy combatant" and that the enemy combatant process is "fraudulently being used to set me up as a military lab rat without my permission." (Compl., Cover Sheet.)

As observed by the Sixth Circuit, "a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal

Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). The Court finds that Plaintiff’s complaint is, on its face, totally implausible, frivolous and devoid of merit. Accordingly, the Court hereby **DISMISSES** this action pursuant to Rule 12(b)(1).

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: December 13, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 13, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager